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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA,	) Magistrate Docket No. ________
Plaintiff,	) Case No. ________
	) **COMPLAINT FOR VIOLATION OF:**
v.	) **Title 8 USC, Section 1326**
Raul SOLORIO-Diaz	) Deported Alien Found in the United States
	) (Felony)
	'08 MJ 2161
Defendant,	)

The undersigned complainant, being duly sworn, states:

On or about July 14, 2008, within the Southern District of California, Defendant Raul SOLORIO-Diaz, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Chris Watkins, Senior Special Agent
U.S. Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence, this 15h day of July, 2008.

Hon. Cathy A. Bencivengo
U.S. Magistrate Judge

STATEMENT OF FACTS

On April 28, 2008, U.S. Immigration and Customs (ICE) Special Agent (SA) David Whitacre was contacted by San Diego County Sheriff's Deputy J. Alegria and notified that Raul SOLORIO-Diaz was identified as a suspect in a domestic violence incident on April 18, 2008.

On July 14, 2008, at approximately 9:00 am, ICE SA Chris Watkins encountered SOLORIO as he was leaving his residence (1524 Grace Way, Escondido, CA, 92026). SA Watkins conducted automated checks and confirmed that SOLORIO is a citizen and native of Mexico without any documents to enter or remain in the United States. SOLORIO was ordered removed to Mexico by an Immigration Judge on January 19, 1996.

A review of records maintained by the U.S. Department of Homeland Security reveals that SOLORIO is a native and citizen of Mexico, and that he was deported from the United States to Mexico on April 13, 2001, through the port at San Ysidro, California. These same records indicate that this deportation was pursuant to an order by an immigration judge dated January 19, 1996. A Warrant of Deportation was observed which documents SOLORIO's physical removal from the United States to Mexico on March 6, 2001. A Report of Deportable/Inadmissible Alien identifying SOLORIO as a native and citizen of Mexico was reviewed. Fingerprints and photographs taken by immigration officers in preparation for SOLORIO's deportation were included in this document review.

On July 14, 2008, upon arrival to the San Diego federal building, an IDENT query was conducted on SOLORIO' index fingerprints, which yielded a match to his alien file and immigration history. The IDENT system provided photographs of SOLORIO and index fingerprints, which were taken by immigration officers during processing for removal from the United States.

A review of the records maintained by the U.S. Department of Homeland Security produced no evidence that SOLORIO has applied for or been granted permission to lawfully return to the United States after deportation.